

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

ROSA ALVARADO,

Plaintiff,

v.

No. 3:15-cv-1059(WIG)

CAROLYN COLVIN,  
Acting Commissioner of  
Social Security,

Defendant.

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ORDER GRANTING DEFENDANT’S MOTION FOR ENTRY  
OF JUDGMENT WITH REVERSAL AND REMAND [DOC. # 20]

Defendant, Carolyn W. Colvin, Acting Commissioner of the Social Security Administration, has moved this Court to enter judgment under sentence four of 42 U.S.C. § 405(g), with a reversal and remand of this cause to the Commissioner for further action. Counsel for Defendant represents that Plaintiff’s counsel consents to the relief sought in the motion.

Under sentence four of 42 U.S.C. § 405(g), the Court has the power to enter a judgment with a reversal and remand of the cause to the Commissioner for further proceedings. *See Shalala v. Schaefer*, 509 U.S. 292, 297 (1993); *Melkonyan v. Sullivan*, 501 U.S. 89, 98 (1991). Remand for further development of the record is appropriate when gaps exist in the administrative record or when the administrative law judge (“ALJ”) committed legal error. *See Parker v. Harris*, 626 F.2d 225, 235 (2d Cir. 1980).

Here, the Commissioner has determined that further development of the record and additional administrative action is warranted. Upon remand, the Appeals Council will direct the ALJ to do the following:

1. Find Plaintiff's poor vision was a severe impairment as of her June 30, 2010 alleged onset date until November 7, 2012, when she was found disabled because she was legally blind due to diabetic retinopathy and her vision impairment met the criteria of Listing 2.02;
2. Obtain medical expert testimony to establish the onset of Plaintiff's disability due to her vision, and possibly other problems, and;
3. Offer Plaintiff the opportunity for a hearing, take further action to complete the administrative record resolving the above issues, and issue a new decision.

Accordingly, Defendant's Motion for Entry of Judgment under Sentence Four of 42 U.S.C. § 405(g) with Reversal and Remand of the Cause to the Defendant [Doc. # 20] is granted. This is not a Recommended Ruling. The parties have consented to the Magistrate Judge's entering a final order in this case without the need for entry of a recommended ruling and review by a District Judge. *See* Fed. R. Civ. P. 73(b). The Clerk is directed to enter a separate judgment in favor of Plaintiff in this matter under Rule 58(a), Fed. R. Civ. P., to remand this cause to the Commissioner for further administrative proceedings in accordance with this Order, and to close this case.

It is SO ORDERED, this 3<sup>rd</sup> day of December, 2015, at Bridgeport, Connecticut.

/s/ William I. Garfinkel  
WILLIAM I. GARFINKEL  
United States Magistrate Judge